



OFFICE OF THE CITY COUNCIL

27700 Hilliard Blvd. Phone 440.871.3300
Westlake, OH 44145 Fax 440.617.4089

**PROCEEDINGS OF A PUBLIC HEARING
AND REGULAR SESSION OF WESTLAKE CITY COUNCIL
DECEMBER 16, 2010**

Public hearing was called to order by President of Council Michael F. Killeen at 8:00 p.m. in accordance with Article III, Section 13, of the Westlake City Charter and legal notice published in the Westlife on November 24, 2010, and December 1, 2010, regarding the following legislation:

ORDINANCE NO. 2010-143: AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO CLEARWIRE FOR THE CONSTRUCTION OF ONE (1) 130 FOOT WIRELESS TOWER AND EQUIPMENT CABINET AT 27830 HILLIARD BOULEVARD.

Planning Director Robert Parry explained this amendment to the zoning code.

There being no comments from the audience, Council President Killeen declared the public hearing on Ordinance No. 2010-143 closed.

* * *

The regular session of council was called to order at 8:05 p.m. by President of Council Michael F. Killeen.

Present: President of Council Michael F. Killeen; Councilmembers Kenneth R. Brady, James P. Connole, Mark R. Getsay, Edward G. Hack, Michael F. O'Donnell, Dennis J. Sullivan.

Also present: Mayor Dennis Clough, Law Director John Wheeler, Service Director Paul Quinn, Director of Engineering Robert Kelly, Finance Director Prashant Shah, Recreation Director Michael Rump, Planning Director Robert Parry, Director of Purchasing Mary Calabrese, Director of Inspections Donald Grayem, Director of Community Services Joyce Schroth, Police Chief Richard Walling, Provisional Fire Chief Dale Kraus, Clerk of Council Denise L. Rosenbaum.

APPROVAL OF MINUTES:

Councilmember O'Donnell moved, seconded by Councilmember Getsay, that the reading of the minutes of the regular session of December 2, 2010, be waived and that they be approved as received.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

SELECTED CORRESPONDENCE:

Communication from Mayor Clough dated December 16, 2010, requesting authorization for emergency expenditures to be performed by Gardiner Trane Automation to repair the pool heater at the Recreation Center. (Ordinance No. 2010-181)

PETITIONS FROM THE PUBLIC:

John Sindyla, 7425 Royalton Road, was present as the representative for Clearwire to answer any questions regarding the proposed cell tower at the high school.

Don Glauner, 30978 Bellaire Circle, thanked Councilmember Connole for his years of public service on the School Board and as a councilmember and for his support of the Service department.

REPORT OF THE MAYOR:

Mayor Clough read his twenty-second report of the year.

REPORTS OF STANDING COMMITTEES – FINANCE COMMITTEE:

Council President Killeen reported on the December 11, 2010, Finance committee meeting.

Councilmember Hack moved, seconded by Councilmember Sullivan, that the report of the December 11, 2010, Finance committee meeting be received and filed.

VOICE VOTE:

Yeas: All.

Nays: None; motion carried.

COMMITTEE OF THE WHOLE:

President of Council Killeen reported on the Committee of the Whole meeting held this date at 7:30 p.m. Present were Councilmembers Killeen, Brady, Connole, Getsay, Hack, O'Donnell, Sullivan. Also present were Mayor Clough; Directors Wheeler, Quinn, Kelly, Shah, Rump, Parry, Calabrese, Grayem, Schroth, Walling, Kraus (Provisional). Agenda items were discussed. Selected correspondence, the planning commission report and proposed legislation to be added to the agenda were each briefly discussed. Council President Killeen commended Jeanne Workman on her hard work to publish the book "Pioneers of Westlake, Ohio," a complimentary copy of which will be kept as a reference in the permanent records of the Council office. Council President Killeen then stated that the current committee appointments for 2010 as well as Councilmember Connole's being the planning commission representative will continue through mid-January, 2011, until the new Ward 2 councilmember is selected. He also announced a new feature that the Clerk has implemented wherein not only the Council agenda, but also the legislation to be considered, can now be accessed through the city's website. The

following meetings were scheduled: Committee of the Whole, January 4, 2011, at 7:00 p.m. to interview the Ward 2 applicants; Ad Hoc IT Committee, January 18 at 7:00 p.m.

Councilmember O'Donnell moved, seconded by Councilmember Hack, to adjourn at 7:51 p.m.

Yeas: All.

Nays: None; motion carried.

Meeting immediately adjourned at 7:51 p.m.

REPORTS OF OTHER BOARDS AND COMMISSIONS – PLANNING COMMISSION:

Councilmember Connole reported on the December 6, 2010, planning commission meeting advising that the commission tabled the **Sunoco Development Plan** - addition, 27179 Detroit Rd., PP# 213-10-001, to the January meeting; recommended approval of **Ordinance 2010-157**, conditional use permit for a martial arts studio, 28045 Ranney Parkway, PP#212-07-003, with the condition that the hours of operation are Monday through Saturday from 7:00 a.m. to 10:00 p.m.; approved the **Bee Clean Auto Wash Sign Plan**, 27180 Detroit Rd., PP#213-03-027; tabled the **Westhampton Vine Street Lofts Development Plans (rev.)**, Vine Street, PP#211-25-001, until the January meeting. Meeting adjourned at 9:10 p.m. The next regular meeting is scheduled for Monday, January 3, 2011, in the Westlake City Hall Council Chambers.

LEGISLATION:

ORDINANCE NO. 2010-105: AN ORDINANCE ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM, AND DECLARING AN EMERGENCY. (First reading 7/15/10, second reading 9/2/10.)
(THIRD READING)

Councilmember Hack moved, seconded by Councilmember O'Donnell, that Ordinance No. 2010-105 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: Hack, Connole, Sullivan, O'Donnell, Brady, Getsay, Killeen; Ordinance No. 2010-105 defeated.

ORDINANCE NO. 2010-143: AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO CLEARWIRE FOR THE CONSTRUCTION OF ONE (1) 130 FOOT WIRELESS TOWER AND EQUIPMENT CABINET AT 27830 HILLIARD BOULEVARD. (First reading and referred to planning commission 9/16/10, planning commission recommended approval with changes 11/8/10, second reading, amended 11/18/10.)
(THIRD READING)

Councilmember Connole moved, seconded by Councilmember Hack, that Ordinance No. 2010-143 be amended by substitution to clarify the conditions to read as follows: 1) That from 0 to 70 feet, all wire will be concealed and mounted on the inside of the tower; and 2) That all current and any future duct banks approved for future co-locations will be encased in concrete.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

Yeas: Connole, Sullivan, O'Donnell, Brady, Getsay, Killeen, Hack.

Nays: None; Ordinance No. 2010-143 amended by substitution.

Councilmember Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2010-143 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, O'Donnell, Brady, Getsay, Killeen, Hack.

Nays: None; Ordinance No. 2010-143 amended, adopted.

ORDINANCE NO. 2010-157: AN ORDINANCE CONSIDERING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A MARTIAL ARTS SCHOOL. (First reading and referred to planning commission 11/4/10, planning commission recommended approval with condition 12/6/10.)
(SECOND READING)

Councilmember Connole moved, seconded by Councilmember Hack, that Ordinance No. 2010-157 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

Yeas: Sullivan, O'Donnell, Brady, Getsay, Killeen, Hack, Connole.

Nays: None; Ordinance No. 2010-157 amended by substitution.

Council President Killeen set a public hearing on Ordinance No. 2010-157 for January 6, 2011.

ORDINANCE NO. 2010-165: AN ORDINANCE ADOPTING A GIFT CARD POLICY, AND DECLARING AN EMERGENCY. (First reading and referred to Finance committee 11/18/10.)
(SECOND READING)

Councilmember Hack moved, seconded by Councilmember O'Donnell, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember O'Donnell moved, seconded by Councilmember Sullivan, that Ordinance No. 2010-165 be adopted.

ROLL CALL ON ADOPTION:

Yeas: None.

Nays: O'Donnell, Brady, Getsay, Killeen, Hack, Connole, Sullivan; Ordinance No. 2010-165 defeated.

ORDINANCE NO. 2010-177: AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO.

Councilmember Sullivan moved, seconded by Councilmember Hack, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Hack moved, seconded by Councilmember Sullivan, that Ordinance No. 2010-177 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Brady, Getsay, Killeen, Hack, Connole, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2010-177 adopted.

ORDINANCE NO. 2010-178: AN ORDINANCE MAKING APPROPRIATIONS FOR THE CITY OF WESTLAKE, OHIO FOR CURRENT EXPENSES AND OTHER EXPENDITURES, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011 AND DECLARING AN EMERGENCY.

Councilmember Connole moved, seconded by Councilmember Getsay, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Ordinance No. 2010-178 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Getsay, Killeen, Hack, Connole, Sullivan, O'Donnell, Brady.

Nays: None; Ordinance No. 2010-178 adopted.

ORDINANCE NO. 2010-179: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF ROCKY RIVER AND THE ROCKY RIVER MUNICIPAL COURT, AND DECLARING AN EMERGENCY.

Councilmember Connole moved, seconded by Councilmember Sullivan, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Brady moved, seconded by Councilmember Getsay, that Ordinance No. 2010-179 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Killeen, Hack, Connole, Sullivan, O'Donnell, Brady, Getsay.

Nays: None; Ordinance No. 2010-179 adopted.

ORDINANCE NO. 2010-180: AN ORDINANCE SUPPLEMENTING AND AMENDING VARIOUS SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF WESTLAKE, AND DECLARING AN EMERGENCY.

Council President Killeen referred Ordinance No. 2010-180 to the Planning/Zoning/Legislative committee.

Councilmember O'Donnell moved, seconded by Councilmember Brady, that Ordinance/Resolution Nos. 2010-181, 182, 183 and 153 be added to the agenda.

ROLL CALL ON ADDING TO AGENDA:

Yeas: Hack, Connole, Sullivan, O'Donnell, Brady, Getsay, Killeen.

Nays: None; Ordinance/Resolution Nos. 2010-181, 182, 183 and 153 added to agenda.

ORDINANCE NO. 2010-181: AN ORDINANCE APPROVING AND RATIFYING PURCHASES FROM GARDINER TRANE AUTOMATION FOR THE RECREATION CENTER, AND DECLARING AN EMERGENCY.

Councilmember Hack moved, seconded by Councilmember Getsay, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Connole moved, seconded by Councilmember Sullivan, that Ordinance No. 2010-181 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Connole, Sullivan, O'Donnell, Brady, Getsay, Killeen, Hack.

Nays: None; Ordinance No. 2010-181 adopted.

RESOLUTION NO. 2010-182: A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO HOLD A CITY OF WESTLAKE BICENTENNIAL CELEBRATION.

Councilmember Hack moved, seconded by Councilmember Sullivan, that the rule requiring the resolution to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember O'Donnell moved, seconded by Councilmember Getsay, that Resolution No. 2010-182 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Sullivan, O'Donnell, Brady, Getsay, Killeen, Hack, Connole.

Nays: None; Resolution No. 2010-182 adopted.

ORDINANCE NO. 2010-183: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE WESTLAKE HISTORICAL SOCIETY AS TO THE WESTLAKE BICENTENNIAL FUNDRAISING CAMPAIGN, AND

DECLARING AN EMERGENCY.

Councilmember O'Donnell moved, seconded by Councilmember Getsay, that the rule requiring the ordinance to be read in full on three separate dates be suspended, and that the same be placed on third reading.

VOICE VOTE ON SUSPENSION:

Yeas: All.

Nays: None; motion carried.

Councilmember Brady moved, seconded by Councilmember Hack, that Ordinance No. 2010-183 be adopted.

ROLL CALL ON ADOPTION:

Yeas: O'Donnell, Brady, Getsay, Killeen, Hack, Connole, Sullivan.

Nays: None; Ordinance No. 2010-183 adopted.

ORDINANCE NO. 2010-153: AN ORDINANCE AMENDING SECTION 141.03 OF THE ADMINISTRATIVE CODE, AND DECLARING AN EMERGENCY. (First reading 10/21/10, second reading 11/4/10, removed from agenda 11/18/10.)

Councilmember Hack moved, seconded by Councilmember Brady, that Ordinance No. 2010-153 be amended by substitution of an amended ordinance.

ROLL CALL ON AMENDMENT BY SUBSTITUTION:

Yeas: Brady, Getsay, Killeen, Hack, Connole, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2010-153 amended by substitution.

Councilmember Hack moved, seconded by Councilmember Brady, that Ordinance No. 2010-153 be adopted.

ROLL CALL ON ADOPTION:

Yeas: Brady, Getsay, Killeen, Hack, Connole, Sullivan, O'Donnell.

Nays: None; Ordinance No. 2010-153 amended, adopted.

MISCELLANEOUS:

Council President Killeen wished everyone happy holidays and encouraged everyone to attend the New Year's Eve celebrations at Crocker Park and LaCENTRE.

ADJOURNMENT:

President of Council Killeen declared the meeting adjourned at 8:37 p.m.

Denise L. Rosenbaum
Clerk of Council

Michael F. Killeen
President of Council